

# Exhibit 66

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR  
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH  
CAROLINA, et al.,

Defendants.

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DEPOSITION  
OF  
JIM DEAN

THIS DEPOSITION CONTAINS CONFIDENTIAL AND  
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE  
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

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TAKEN AT THE OFFICES OF:  
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL  
222 East Cameron Avenue  
110 Bynum Hall  
Chapel Hill, NC 27514

06-23-17  
9:03 A.M.

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Diane W. Ellison  
Court Reporter

Civil Court Reporting, LLC  
P.O. Box 1146  
Clemmons, NC 27012  
(336) 406-7684

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1                   The witness, JIM DEAN, being first duly  
2                   sworn to state the truth, the whole truth, and  
3                   nothing but the truth, testified as follows:

4                   (9:03 a.m.)

5                   EXAMINATION

6                   BY MR. STRAWBRIDGE:

7                   Q.     Good morning, Mr. Dean.

8                   A.     Good morning.

9                   Q.     My name is Patrick Strawbridge. I'm an  
10                  attorney with the law firm of Consovoy McCarthy  
11                  Park, and I represent Students for Fair Admissions  
12                  Incorporated in this matter.

13                  Could you just briefly state your name  
14                  and your business address for the record.

15                  A.     Yeah. My name is Jim Dean, and my  
16                  business address is University of North Carolina  
17                  at Chapel Hill.

18                  Q.     Okay. And do you hold a title at the  
19                  University of North Carolina?

20                  A.     I do.

21                  Q.     What is that?

22                  A.     It's Executive Vice Chancellor and  
23                  Provost.

24                  Q.     Okay. We're going to just go over a few  
25                  ground rules. I'm sure your attorney has covered

1       that kind of thing. And so you could construe  
2       that as having to do with admissions, I supposed.

3           Q.    Were you familiar with the retention  
4       study that was conducted by a retention task force  
5       at the university in 2010?

6           A.    At that time I would not have been  
7       familiar with it.

8           Q.    Are you familiar with it now?

9           A.    Just that it exists, yeah.

10          Q.    Yes. Okay. But -- but you had no  
11       involvement in that study at the time?

12          A.    No.

13          Q.    All right. What was the next role that  
14       you took at UNC?

15          A.    So in the spring of 2013 the incoming  
16       chancellor of the university, Carol Folt, asked me  
17       to serve as the provost of the university, and so  
18       I transitioned from dean to provost on July 1st,  
19       2013.

20          Q.    And what are the job responsibilities of  
21       the provost at UNC?

22          A.    Well, the most succinct way to describe  
23       it is my informal title, which is chief academic  
24       officer. And that's really the job of provost, to  
25       oversee the academic activities of the university.

1           The Executive Vice Chancellor title also  
2 gives me some responsibilities in the area of the  
3 finance and budget matters for the university.

4           So those are the two areas, broadly  
5 speaking.

6           Q.   And so your -- your role as chief  
7 academic officer, is that a formal role, or is  
8 that an informal description of your title?

9           A.   Informal. My formal title is Executive  
10 Vice Chancellor and Provost.

11          Q.   In that role you have responsibility for  
12 ensuring compliance with the university's academic  
13 standards?

14          A.   Yes.

15          Q.   Violations of the academic or honor code  
16 at UNC?

17          A.   Well, the honor -- ultimately, yes, but  
18 the honor code really is mostly managed by  
19 students. And above that it's managed by the  
20 student affairs vice chancellor, who has a  
21 reporting relationship to me. So yes, but not  
22 close.

23          Q.   Are you responsible for maintaining  
24 any -- well, strike that.

25               Does the provost's office have

1 responsibility for any reporting of academic  
2 results at UNC?

3 MR. SCUDDER: Object to the form.  
4 Go ahead.

5 A. Reporting of academic results. I think  
6 the answer is yes, but can you say a little bit  
7 more about what you mean?

8 Q. (Mr. Strawbridge) Well, for example,  
9 does -- is your office responsible for preparing  
10 reports about student academic performance for the  
11 chancellor?

12 A. No, we don't prepare those kind of  
13 reports.

14 Q. What about for the UNC system?

15 A. There are those kinds of reports, but  
16 they would be prepared by the Office of  
17 Institutional Research, which reports to someone  
18 who reports to me.

19 Q. Does the -- does the -- does your office  
20 have any separate research analyst or person  
21 beyond the folks in the Office of Institutional  
22 Research?

23 A. No. Whenever we need analytical work  
24 done, we -- we go to them. And that's -- you  
25 know, that's one step away from me, so it's not

1       like it's remote.

2           Q.    Your office is also responsible for --  
3       for reporting grades to students each semester?

4           A.    Well, that comes through the -- I'm  
5       blanking on the name -- registrar -- sorry --  
6       comes through the registrar's office. The  
7       registrar reports to, in this case, Steve Farmer,  
8       and Steve Farmer reports to me.

9           Q.    Okay. Why don't we -- why don't we  
10       actually talk a little bit about what -- what  
11       other -- how many -- who reports directly to  
12       you ---

13          A.    Okay.

14          Q.    --- either -- either by title or by  
15       person. We can ---

16          A.    Okay. I'll take a shot. Then you can  
17       see if I'm getting there.

18          Q.    Sure.

19          A.    All right. So the -- the biggest group  
20       would be the deans. And so there's 13 schools,  
21       the College of Arts and Sciences and 12  
22       professional schools. So there's 13.

23                And then three other people who have  
24       dean or quasi-dean titles. And so that would be  
25       the dean of the graduate school, the dean of the

1 summer school, and the university librarian.

2 Okay. So there's 16.

3 Then beyond that I have three vice  
4 chancellors who kind of jointly report to me and  
5 the chancellor, but on a day-to-day basis they  
6 report to me. And those are the dean -- sorry --  
7 the vice chancellor for student affairs, Winston  
8 Crisp; the vice chancellor for information  
9 technology services, Chris Kielt; and the vice  
10 chancellor for research, who is Terry Magnuson.  
11 So that's 19.

12 Then I have a set of vice provosts who  
13 report to me. And that would be Ron Strauss,  
14 executive vice provost and chief international  
15 officer; Carol Tresalini, vice provost for  
16 academic -- I forget what it is -- projects or  
17 something like that; Jean Elia, assistant -- or  
18 associate provost for strategy and special  
19 projects.

20 I have Dwayne Pinkney, who has joint  
21 reporting responsibility to me and to the vice  
22 chancellor for finance and administration, then my  
23 assistant, Stephanie Thurman, and then also  
24 Michelle Brown, who is assistant provost for  
25 academic support for student athletes.



1 I think that's everybody. It's 25.

2 Q. Does Steve Farmer report to you?

3 A. Yes. And I didn't say him. I did  
4 earlier, but, yes, of course he does.

5 Q. Okay.

6 A. Twenty-six.

7 Q. All right. So you have  
8 responsibility -- are you -- are you sort of the  
9 next level of supervision above him with respect  
10 to admissions at the university?

11 A. Yes.

12 Q. Okay. And so what -- what does that  
13 entail practically with respect to your -- your  
14 oversight of admissions?

15 MR. SCUDDER: Object to the form.  
16 Go ahead.

17 A. So I meet with Steve on a regular basis.  
18 I think it's -- it's once a month. It might be a  
19 little more often than that. And we talk about a  
20 variety of issues that are facing the university  
21 and facing admissions.

22 At the same -- adjoined to that  
23 meeting -- joined to that meeting, right after  
24 that meeting, I meet with the two senior people  
25 who report to Steve, who in other universities

1 might report directly to me. And so on, kind of,  
2 compromises, they report to Steve, but I meet  
3 with, then, the director of financial aid,  
4 basically, and also the registrar, which is an  
5 acting person right now. So we meet on a regular  
6 basis.

7 We also -- Steve is part of the  
8 provost's cabinet, which includes all of the vice  
9 provosts that I mentioned before, and so we meet  
10 roughly every other week as part of that as well.

11 Steve also attends the Dean's Council  
12 meetings, which are once a month, and the cabinet  
13 meetings, which is the Chancellor's Cabinet, which  
14 are also once a month.

15 So we actually meet on a pretty regular  
16 basis, sometimes directly, sometimes indirectly.

17 Q. (Mr. Strawbridge) You -- do you do his  
18 performance reviews?

19 A. I do.

20 Q. Do you review policies that his office  
21 sets or implements with respect to admissions  
22 criteria?

23 A. I don't -- well, sometimes. So, for  
24 example, we reviewed -- as part of the work we did  
25 with student athletes, I was part of a review of

1 the system for special-talent admits. That's the  
2 only specific policy I remember reviewing.

3 Q. Do you have an understanding as to what  
4 the division of responsibility with respect to  
5 admissions policies is versus your office and  
6 Mr. Farmer and the Undergraduate Advisory Faculty  
7 Committee that oversees admissions and financial  
8 aid?

9 MR. SCUDDER: Object to the form.

10 A. I'm trying to answer your question. I  
11 just want to make sure that I understand it. So,  
12 I mean, Steve is -- is the executive in charge of  
13 that. As in many parts of the university, there's  
14 faculty oversight of that. And so I would say  
15 that that's -- it's a little bit like a CEO and  
16 his or her board. So one is the executive  
17 officer, and the other provides oversight. So I  
18 think that would be the breakdown.

19 Q. (Mr. Strawbridge) And so typically in  
20 the corporate world the board is the one that has  
21 ultimate authority in those circumstances,  
22 correct?

23 A. Yes.

24 Q. And is that your understanding of how  
25 the Faculty Council is the party with ultimate

1 responsibility over the admissions policies at the  
2 university?

3 A. That's a good question, and that's --  
4 we -- it's never really come to that. I mean, the  
5 group I think sees itself more as advisory, but in  
6 the case, for example, of -- of a special-talent  
7 admit, that committee could say no and it would  
8 stick.

9 Q. And does -- and are you aware -- does  
10 that -- does that committee actually formally  
11 approve the -- what's known as the reading  
12 document that governs how admissions -- strike  
13 that.

14 Are you familiar with the reading  
15 document regarding admissions applications to UNC?

16 A. No.

17 Q. Are you aware that there is a general  
18 policy as to how -- well, strike that.

19 Are you familiar with the term "holistic  
20 admissions"?

21 A. Yes.

22 Q. And what is your understanding of  
23 holistic admissions?

24 A. My understanding is that the people  
25 making the decisions about admissions look at the

1           A.    Well, we're in the planning stage now.

2           Q.    I mean, are you aware of any specific  
3 plans to do that with respect to particularly  
4 fostering innovation and problem-solving?

5           A.    I believe that this is something that we  
6 could do and it would be helpful. I have  
7 previously discussed this with the chancellor,  
8 saying that as we move forward with diversity,  
9 that it would be helpful to do things like this.

10          Q.    Okay. And are you aware of any -- of  
11 any analysis that's been done at UNC at least with  
12 respect to what -- what level of racial diversity  
13 is sufficient or not sufficient to achieve this  
14 particular benefit?

15          A.    No.

16          Q.    And are you aware of any effort today to  
17 analyze that for purposes of determining whether  
18 or not the university should continue to use race?

19          A.    No.

20          Q.    The next benefit listed here is,  
21 "Preparing engaged and productive citizens and  
22 leaders." Do you see that one?

23          A.    Yes.

24          Q.    And without using the exact words, is  
25 this -- is the idea of this benefit the notion

1           Q.    And this -- this goes back, I suppose,  
2   to the general idea of, you know, exposure and  
3   exchanges with other people can help make you a  
4   better person, to simplify it somewhat.

5                   MR. SCUDDER:  Object to the form.

6           Q.    (Mr. Strawbridge)  Is that a fair idea  
7   here?

8           A.    Yes.

9           Q.    And do you have any specific  
10  understanding of what level of racial diversity is  
11  essential to achieve this benefit?

12          A.    No -- no specific level, no.

13          Q.    Do you have a -- do you have a range or  
14  an idea outside of non-zero?

15          A.    Well, in this one, you know, my -- my  
16  past roles in the business school are probably  
17  relevant.  I know that in probably, I would guess,  
18  hundreds of interactions with corporate leaders  
19  that they express a lot of desire for both a  
20  diverse group of students whom -- from whom they  
21  can recruit and also an appreciation for diversity  
22  and ability to work in diverse settings of -- of  
23  all of our students.

24                   I don't know that any of them have ever  
25  said it needs to be a certain percent, but

1 admissions process, the university will continue  
2 to take all efforts it can to achieve racial  
3 diversity on campus?

4 A. Again, it's a hypothetical. I -- I  
5 would expect so.

6 Q. And I'm not trying to get you to repeat  
7 your prior testimony, but just to wrap that up,  
8 you don't -- you're not aware of any particular  
9 level of racial diversity that is or is not  
10 essential to meet the various benefits described  
11 in this report?

12 A. That's correct.

13 Q. What is your -- what is your  
14 understanding of -- of the reason why the  
15 university uses race in the admissions process?

16 A. My understanding is that we believe that  
17 using race as one factor among many in a holistic  
18 admissions process will increase the diversity of  
19 people on campus and therefore help to better  
20 educate all of our students and prepare them for  
21 the world to which they will be going out.

22 Q. And have you ever heard the term  
23 "critical mass"?

24 A. I have.

25 Q. Does this report talk about critical

1 critical mass, in your mind?

2 A. Well, my understanding of the term  
3 "critical mass" is that it's a -- I'm trying to  
4 decide if it's an analogy or a metaphor; I think  
5 it's an analogy -- to a nuclear reaction in that  
6 there is some exact number within a nuclear  
7 reaction at which something explodes. I'm not  
8 great at physics, but it's something like that.

9 Q. A criticality event?

10 A. Yeah, exactly. So -- so the analogy,  
11 then, would be that -- that there is a specific  
12 point of -- of diversity on any topic, but  
13 conceivably race, since that's what you're asking  
14 about, that would lead, sort of in a  
15 discontinuous, non-linear manner, to certain  
16 benefits. So that's my understanding of it.

17 Q. And so you don't think that that has any  
18 connection to what the university is trying to  
19 achieve with its use of race?

20 MR. SCUDDER: Objection to the  
21 form.

22 A. No, because we've -- we've literally  
23 never talked about it that way. I mean, I saw the  
24 phrase being used in the report in that, you know,  
25 the report argued that we need to achieve a



1 critical mass. In all my conversations with Steve  
2 Farmer, that phrase has never come up. Neither --  
3 no one has directed anybody to achieve a critical  
4 mass, and I'm not even sure we would know what it  
5 is.

6 The reason I don't really care for the  
7 phrase is it -- it lends a really false notion of  
8 precision. I assume that in physics there really  
9 is a number -- a point at which a reaction  
10 happens. Social science is a far less precise and  
11 more subjective element, and it would be very  
12 surprising to me to see that kind of non-linearity  
13 in any kind of reasonably collected data.

14 Q. (Mr. Strawbridge) We talked earlier  
15 about -- about, kind of, your inability to  
16 confidently articulate any non-zero range of  
17 racial diversity that is essential to achieve  
18 these benefits, correct?

19 A. We did.

20 Q. Is there -- is there a range of  
21 diversity -- any level of racial diversity that  
22 you think would be sufficient to stop using race  
23 in the admissions process?

24 A. I've never really thought about that  
25 question. And, again, I don't know that -- I

1 testimony earlier, this -- and I know this -- this  
2 language is not in the final draft. Correct?

3 A. Yes. Correct.

4 Q. And, in fact, I think -- I think your  
5 testimony would suggest that this paragraph would  
6 not be an accurate description of your experience  
7 at UNC.

8 A. That's ---

9 MR. SCUDDER: Objection. Go ahead.

10 A. That's correct.

11 Q. (Mr. Strawbridge) In terms of a focus  
12 on critical mass?

13 A. Correct.

14 Q. But your testimony is that you haven't  
15 heard that used at UNC?

16 A. Well, no, not exactly. I -- I ---

17 Q. You -- you heard it used in one report,  
18 I think is what you said.

19 A. Sure. And I -- I certainly cannot say  
20 that I've never heard the phrase beyond that. I  
21 mean, I certainly may have heard it. I may have  
22 read it other places. I did identify that one  
23 place where I'd seen it.

24 Q. Right. But -- but in terms of it being  
25 a focus of -- of the analysis or otherwise sort of

1 driving the conversation about when race is used  
2 and why it is used, the term "critical mass" is  
3 not something, in your experience, that is  
4 discussed or useful?

5 A. Correct.

6 MR. SCUDDER: Objection to the  
7 form.

8 Q. (Mr. Strawbridge) And do you know why  
9 this paragraph was in this draft?

10 A. No.

11 Q. I think you mentioned at one point you  
12 recalled -- well, I guess -- strike that.

13 Until you looked at this now, did you --  
14 did you know that there was a reference to  
15 critical mass in the earlier draft?

16 A. No, I didn't remember that.

17 Q. Okay. On the next page ---

18 A. Eighteen?

19 Q. Yeah.

20 A. --- there's a discussion about, "The  
21 vast majority of UNC seniors also report gains in  
22 knowledge and skills that are essential for the  
23 modern workforce" ---

24 A. Uh-huh.

25 Q. --- "and are often represented as

1           A.    I'm checking that.

2           Q.    Yeah.

3           (Witness examined document)

4           A.    Yes, that's correct.

5           Q.    And -- and is there any reason that you  
6           can think of, if for some reason the university  
7           were to stop using race in the admissions process,  
8           that it wouldn't continue to operate these  
9           programs?

10          A.    I don't see the connection, no.

11          Q.    Do you believe that students who are  
12          admitted under the current admissions program are  
13          capable and qualified to succeed at UNC?

14          A.    Yes.

15          Q.    Do you have any doubt about that?

16          A.    No.

17          Q.    And is that true regardless of any  
18          particular applicant's SAT scores?

19          A.    I don't believe that we admit students  
20          into the university who are unqualified to be  
21          here.

22          Q.    And so -- and so regardless of whatever  
23          any student's SAT score is, you would consider the  
24          students who are admitted to UNC under its current  
25          program to be qualified?

1           A.     Yes.

2           Q.     And that's also true regardless of how  
3 many AP classes they took?

4           A.     I believe that if we admit a student,  
5 that they're qualified for admissions.

6           Q.     Okay. And do you just believe that,  
7 like, as a matter of, sort of, typology, or do you  
8 believe that -- do you believe that on the merits  
9 those qualifications are sufficient to succeed at  
10 UNC?

11                   MR. SCUDDER: Object to the form.

12           A.     Well, we have -- in any given year,  
13 we're up to about 40,000 applications for the  
14 undergraduate program for effectively about 4,000  
15 spots. So we have clearly more qualified students  
16 than we're able to take.

17                   And so on that basis, and recognizing  
18 how hard the Office of Admissions has to work to  
19 make those decisions, recognizing that we are  
20 clearly completely unable to accept all the  
21 students who are qualified, it -- it seems pretty  
22 unlikely that we would accept students who are not  
23 qualified. That's the logic behind my saying  
24 that.

25           Q.     (Mr. Strawbridge) Are you aware of -- I